IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31755 of 2007(E)

PETITIONER:

A.RAVEENDRAN, AGED 56 YEARS
D/O. BALAKRISHNA PODUVAL
PALM HOUSE, P.O. ANNOOR, PAYYANNUR
KANNUR DISTRICT.

BY ADV. SRI.M.P.VIJAYAN

RESPONDENTS:

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1. THE GOVERNMENT OF KERALA REPRESENTED
BY THE DRUG CONTROLLER KERALA, TRIVANDRUM.

2. KERALA STATE PHARMACY COUNCIL TRIVANDRUM

3. THE REGISTRAR AND SECRETARY TO
KERALA STATE PHARMACY COUNCIL TRIVANDRUM

4. THE ADDITIONAL DRUG CONTROLER,
KANNUR DISTRICT.

5. THE PHARMACEUTICAL SOCIETY OF KERALA
C.W.35/495, WHITE LINE, KANNUR.

BY GOVT. PLEADER MR. K.P. PRADEEP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 31755 OF 2007 E
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Dated this the 25th October, 2007

J U D G M E N T

The prayer made in this writ petition is to direct the 1st and 4th respondents not to issue drug license to the 5th respondent. Petitioner is also seeking a declaration that the 5th respondent is not the subsidiary of the 2nd respondent and a prohibition to the 2nd respondent not to do any business through the 5th respondent is also sought for. The basic contention of the petitioner is that the 5th respondent is styling itself as a subsidiary of the 2nd respondent which in fact it is not. It is on that basis the petitioner seeks an order directing that the 5th respondent shall not be granted the drug license.

2. Petitioner does not have a case or at least pleaded in the writ petition that the 5th respondent suffers from any ineligibility to be granted a license to do business in pharmaceutical products. If that be so, the fact that it is not a subsidiary cannot render

it ineligible to issue a license for which it is otherwise eligible to.

3. If as stated by the petitioner, the 5th respondent is falsely representing as the subsidiary of the 2nd respondent, it is for the 2nd respondent to take appropriate action and remedy the situation. That cannot be taken advantage of by the petitioner, who is also a dealer in pharmaceutical products whose intention is only to prevent opening an other outlet selling similar products. I see no merit in the writ petition. Writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-